

REMARKS/ARGUMENTS

Claim 7 is added. The claims now in the application are Claims 1-7.

Claims 2 and 3 are amended to simplify the wording of the claims. Claim 4 is amended to state that the recited components adhered form a mixture.

Claim 6 is amended to define the composition more precisely. Basis is found throughout the specification and is broadly stated at page 4 below the center of the page in the paragraph starting with "Accordingly". New Claim 7 recites a preferred range of proportions with respect to the adherence to the fresh bread crumbs.

A revised Abstract is submitted to meet the objections thereto. The Abstract is in a form of a single sentence and somewhat condensed.

The observation that the oath is defective and that a new oath should be supplied because the oath does not have a signature of the inventors is, is requested to be withdrawn. The oath is a Japanese language Declaration document and the inventors have signed in the column with Japanese wording.

THE CLAIM REJECTIONS

Reconsideration and withdrawal of the rejection of Claim 6 under 35 U.S.C. § 102(b) as being anticipated by Coleman et al. are requested.

Claim 6 has been amended to more precisely characterize the mixture being claimed as a “dried mixture of fresh bread crumbs” and the components adhered thereto. Coleman et al. does not disclose a mixture of fresh bread crumbs with adherence. The Official Action points to column 4, lines 35-45, in the applied reference. At that point the reference in the sentence starting at line 35 reads as follows:

If the adhesive is simply dry mixed with bread crumbs of the critical particle size of this invention without having been applied to and adhering to the surface of bread crumbs, then upon coating a moistened comestible with this mixture and coking the coated comestible, the resultant coating would be nonuniform, with a substantial amount of the crumbs falling off during coating, handling and cooking.

The baked crumbs/oil blend to which Coleman et al. adhere their dry ingredients is clearly not the required fresh bread crumbs component.

At column 2, in the sentence at line 53, the reference specifies that “the present invention discloses a coating composition of specially processed bread crumbs”. And in the sentence at line 58 it is pointed out that the bread crumbs are combined with oil or fat. And in column 3 at the paragraph at line 52 it is pointed out that to produce the novel coating of Coleman et al., “the ingredients of the present invention have to be processed in a particular manner”. And in the succeeding sentence at line 57 it is stated “the first step in processing the ingredients involves contacting the bread crumbs with oil and mixing the same to form a uniform blend”. And in the sentence at column 4, line 5 it is disclosed that this blend is baked for a significant amount of time. It is to this blend so baked, or fried, that the dried ingredients are applied. This procedure clearly does not produce the product to which Claim 6 of this application is directed.

Reconsideration and withdrawal of the rejection of Claims 1-5 under 35 U.S.C.

§ 103(a) as being unpatentable over Rispoli et al. in view of Bernacchi et al. are also requested.

Rispoli et al. in fact do apply an adhesive to the surface of bread crumbs. But they point out the following at column 3, the sentence beginning at line 24:

The baked bread crumb/oil blend has a moisture content ranging from 0.1 to 2.0% of the blend and an oil content ranging from 24 to 34% of the blend. The baked bread crumb/oil blend is then combined with the other dry ingredients.

In order to secure the necessary adherence, the adhesive must be blended with suitable proportion of edible oil. Another means specified at column 3, line 50 and the following is to apply the adhesive in the form of solution or dispersion in water. It is evident then that Rispoli et al. do not apply their adhesive in dry form to “fresh bread crumbs”. According to Example I, the bread crumbs have been toasted (please see the sentence at column 5, line 28). Examples II and III refer to Example 1 for the preparation of the bread crumbs and Example IV in the tabulation at column 7, line 41 also notes that the bread crumbs have been toasted. It is therefore clear that Rispoli et al. do not suggest key aspects of the claimed procedure. The first being that the bread crumbs are fresh and the second being that the adhesive is applied as a powder thereto. Even in Example IV, where ground adhesive was applied, the bread crumbs have been pretreated with a large amount of vegetable oil, please see the sentence at column 7, line 50.

The Official Action refers to Bernacchi et al. as teaching coating the wet crumbs and then drying and goes on further to state that it would be obvious to use Bernacchi et al. method but the method must be modified by employing dry ingredients according to the theory of the rejection. It would seem that rejection is inherently contradictory. Since both combined references require that an additional liquid be present, it would appear that the

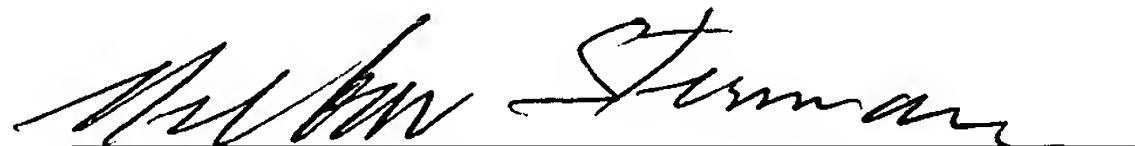
rejection is modifying the disclosure of the reference in the light of Applicants' teachings. In any event, Applicants employ fresh bread crumbs and neither reference discloses that teaching.

The Official Action further comments with respect to the submitted IDS that two of the references were not considered because there were no English Abstracts or discussion of relevance. Applicants respond by noting that these were cited in the International Search Reports and that English language Abstracts for the same were in fact present. For the Examiner's convenience, copies of those Abstracts are attached. It is also noted that document AQ is discussed on page 2 of the subject applications. Consideration of those documents is therefore requested.

For the reasons given, favorable reconsideration is solicited.

Respectfully submitted,

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